REMARKS

Claims 1, 3, 5-14, and 21-23 are pending in the application.

Claims 1, 3, 5-7, and 21-23 are allowed.

Claims 2, 4 and 15-20 had been previously cancelled without prejudice.

Claims 8-14 had been rejected.

Claim 8 has been amended to correct minor informalities.

Reconsideration of the Claims is respectfully requested.

1. Rejection under 35 U.S.C. § 103(a)

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142, p. 2100-128 (Rev. 2, May 2004) (citations omitted).

(a) Claims 8-10 and 12-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,745,695 to Gilchrist et al. ("Gilchrist") and further in view of WO95-26113 to Hays ("Hays").

Gilchrist recites that "[t]hree classes of GPRS mobile stations [that] are contemplated: Classes A, B, and C. These classes reflect certain capabilities that a customer accepts through the purchase of the equipment." (Gilchrist, col. 1:27-30). "Because of their nature, Classes B and C [Mobile Stations] give rise to unique service integration problems." (Gilchrist, col. 1:33-35). The class B Mobile Station receives "paging requests with the same probability as if it were only operating in idle mode procedures." (Gilchrist, col. 1:37-39). The "class C [Mobile Station] . . . cannot be interrupted." (Gilchrist, col. 1:46-48).

Under Gilchrist, either (a) data service is suspended via the mobile station when it "is aware that a mobile originated (MO) service or non-service invocation is pending. The MS sends a suspend message 20 to the SGSN . . . ," (Gilchrist Col. 3:11-15; Col. 3:31-35) (b) the mobile station checks for a page by splitting its time to listen "alternatively to the GSM CCCH which carries the PCH and to the GPRS DCH/PCH," (Gilchrist Col. 5:8-10; Col. 5:58-65), or (c) the mobile station checks for a page by alternating data transmission by "exchanging data . . . during first time periods 102 and stopping exchange of data over the data channel during second time periods 103 . . . ; during the second time

periods, monitoring, at the [mobile] station, paging requests . . . ." (Gilchrist Col. 6:50-63). Gilchrist does not redirect a mobile station to receive pages.

Hays recites providing "benefits and improvements in the provision of cellular data transmission . . . [for] power savings and concomitant increased battery life between recharges; increased coverage, even where cellular coverage may be absent, incomplete or unreliable; increased building penetration; seamless nationwide and international roaming capabilities; enhanced service options and subscriber profiling/screening/filtering options providing least-cost-routing capabilities and economies; and 'connectionless' broadcast services and resultant economies." (Hays p. 3, *ll.* 29-36, p. 4, *ll.* 1-3).. In Hays, the "cellular digital data processing unit [of the mobile phone 20] . . . processes digital data received from the mobile cellular telephone 214 via a cellular channel and processes digital data to be sent to mobile cellular telephone 214 [of the mobile phone 20] to be transmitted via a cellular channel." (Hays p. 7, ll. 12-17).

In other words, Hays relates to the network access capability to the mobile phone, which has a mobile cellular telephone 214 (see Hays p. 7, *l.* 13) and a pager 21 (see Hays p. 7, *l.* 31)." Hays does not recite a pseudo-page signal between a base station and an access network controller. Instead, Hays recites a universal messaging system (UMS) that provides user paging service via "a central computer for a paging system, such as the UMS owned and operated by SkyTel Corporation in Washington, D.C. UMS 24 contains memory 26 which can be used to store data messages transmitted to it by MTSO 16." (Hays, p. 6, *ll.* 5-9). The MTSO "includes a memory 17 which can be used to store data messages for subscribers." (Hays, p. 6, *ll.* 1-4).

The method of Claim 8 recites a "method in a communication network, comprising: receiving a pseudo-page signal transmitted by a base station in a specified interface signal between the base station and an access network controller; and generating, from the access network controller, a response to a base station to advise it that a hybrid mobile station has been paged and is being redirected to receive pages from the voice network."

As explained in Applicant's specification, the pseudo-page signal "is a signal that prompts the [Access Network Controller] to produce a response signal 144 that allows the [Base Station Controller] to determine how to process a call if the [Hybrid Mobile Station] is presently engaged in a data call." (Page 8, ll. 23-26; see also Page 4, ll. 9-12) ("[T]he base station (BSC/BTS) is formed to generate a signal to the

access network controller, referenced herein as a pseudo-page signal, to determine whether the hybrid mobile station is present and available.).

Applicant respectfully submits that there has not been a *prima facie* showing that substantiates the rejection of Applicant's claimed invention. There is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the selective monitoring of Gilchrist and the user pager service of Hays to achieve Applicant's claimed invention as set out in Independent Claim 8 or Claims 9-10 and 12-14 that depend directly or indirectly therefrom. Applicant requests that the rejection to these claims be withdrawn.

(b) Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilchrist and Hays, and further in view of U.S. Patent No. 6,078,581 to Shtivelman ("Shtivelman").

Shtivelman recites that it "pertains more particularly to apparatus and methods for providing call waiting services for what are known as Internet Phone (IP) calls." (Shtivelman, col. 1:5-7). The embodiment Shtivelman recites is an "IP interface connected to both the PSTN and the Internet. During time that the status indicator indicates the client is Internet-connected, on receiving a PSTN call directed to the client, the system sends, via the IP interface, an alert signal of a call waiting to an IP address associated with the client." (Shtivelman, col. 2:40-44).

Claim 11 depends from Independent Claim 8. As stated above with respect to Gilchrist and Hays, there is no suggestion or motivation in either of those references to achieve Applicant's claimed invention of its Independent Claim 8. Applicant respectfully submits that the addition of Shtivelman does not provide a prima facie showing of obviousness with respect to Claim 11.

2. Allowable Subject Matter

Applicant notes with appreciation the allowance of Claims 1, 3, 5-7, and 21-23.

3. Conclusion

As a result of the foregoing, the Applicant respectfully submits that Claims 8-14, in addition to Claims 1, 3, 5-7 and 21-23, Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *ksmith@texaspatents.com.*

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

Respectfully submitted,

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